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PRESIDENT & CEO

Alan R. Shark, CAE

August 29, 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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Dan Phythyon, Chief
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, N.W., Room 5002
Washington, DC 20554

Re: CC Docket No. 94-54 -- CMRS Interconnection and Resale
Obligations
CC Docket No. 94-102 -- CMRS E911 Compatibility Obligations
CC Docket No. 95-116 -- Number Portability
"Covered SMR" Definition

Dear Mr. Phythyon:

The American Mobile Telecommunications Association, Inc. ("AMTA", the "Association") herein renews its request that the Wireless Telecommunication Bureau address the scope of the definition of "covered SMR" systems included in FCC decisions in the above-referenced dockets. Action in this matter is vital due to the imminent commencement of new obligations beyond the capabilities of some SMR systems mistakenly included under the definition.

This matter has been the subject of numerous discussions between AMTA and both the Bureau and the Commissioners' offices since the release of decisions in the above dockets in 1996. There is general agreement that the definition of "covered SMR" systems affected by these obligations is inconsistent with language in the texts of the Orders excluding primarily dispatch communications systems that are incapable of competing with mass-market cellular and PCS providers. AMTA has expressed consistently its support for the Commission's reasoning and the intended line of demarcation within the SMR industry.

Based on these discussions and after being requested to do so by Commissioners' offices, AMTA submitted new recommended language for the covered SMR definition in a Petition for Declaratory Ruling filed on December 16, 1996. The proposed revision would include within the definition those SMR systems offering real-time, two-way interconnected voice communications capable of competing with consumer-oriented services, while excluding those without that capability. A copy of the recommended revised definition is attached to

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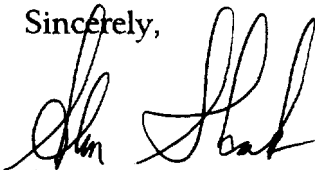
this letter. However, the Association is unaware of any action taken by the Commission to address its Petition.

AMTA is reviewing the Commission's decision to expand to all SMR operators the burden of stricter RF radiation standards in the *Second Memorandum Opinion and Order* released this week. However, it notes that the Commission's reasoning in this proceeding -- not to rely on a covered vs. not covered SMR delineation -- was based explicitly on a determination that RF requirements should be based on power levels rather than type of service. Meanwhile, other obligations very shortly will go into effect that the Association continues to believe are not appropriate for many SMR operators now included under the definition. As the Bureau is aware, new E911 requirements become effective October 1, 1997.

Application of these and other obligations under the current covered SMR definition will yield results clearly contrary to the FCC's policy objective. Moreover, the primarily dispatch systems still included simply do not employ technology capable of complying with new obligations. For example, as AMTA outlined in its *ex parte* filing of April, 1997, no analog SMR handsets have any internal mechanism that would allow them to be individually located for purposes of E911 or number portability compliance. Further, most analog SMR systems do not include the minimum of three base station locations needed to triangulate location, as will soon be required under E911 obligations.

AMTA urges the Bureau to address the covered SMR definition as soon as possible, by proceeding with action on the Association's *Petition for Declaratory Ruling*, or through interim relief pending the outcome of reconsideration decisions in the above-referenced dockets. If there is any additional information we can provide, please do not hesitate to contact us.

Sincerely,



Alan R. Shark
President & CEO

Enclosure

cc: Hon. Reed E. Hundt, Chairman
Hon. James H. Quello
Hon. Rachelle B. Chong
Hon. Susan Ness
William F. Caton, Acting Secretary

AMTA's SUGGESTED CLARIFICATION OF "COVERED SMR" DEFINITIONS

Rule Sections 20.3 and 20.12 associated with the Resale Order to be modified as follows:

Section 20.3 Definitions

* * * * *

Incumbent Wide Area SMR Licensees. Licenses who have obtained extended implementation authorizations in the 800 MHz or 900 MHz service, either by waiver or under Section 90.629 of these rules, and who offer real-time, two-way ~~interconnected voice service that is interconnected with the public switched network using multiple base stations and an intelligent in-network switching facility that permits automatic, seamless interconnected call handoff among base stations.~~

Section 20.12 Resale

(a) *Scope of Section.* This Section is applicable only to providers of Broadband Personal Communications Services (Part 24, Subpart E of this chapter), providers of Cellular Radio Telephone Service (Part 22, Subpart H of this chapter), providers of Specialized Mobile Radio Services in the 800 MHz and 900 MHz bands that hold geographic area licenses (included in Part 90, Subpart S of this chapter) and offer real-time, two-way ~~interconnected voice service that is interconnected with the public switched network using multiple base stations and an intelligent in-network switching facility that permits automatic, seamless interconnected call handoff among base stations,~~ and Incumbent Wide Area SMR Licensees.

Rule Section 20.18(a) associated with the E911 Order to be modified as follows:

Section 20.18 911 Service

(a) The following requirements are only applicable to Broadband Personal Communications Services (Part 24, Subpart E of this chapter) and Cellular Radio Telephone Service (Part 22, Subpart H of this chapter), Geographic Area Specialized Mobile Radio Services in the 800 MHz and 900 MHz bands (included in Part 90, Subpart S of this chapter) and offer real-time, two-way ~~interconnected voice service that is interconnected with the public switched network using multiple base stations and an intelligent in-network switching facility that permits automatic, seamless interconnected call handoff among base stations,~~ and Incumbent Wide Area SMR Licensees.

The Note to Table 1 at Rule Section 1.1307 associated with the RF Radiation Order to be modified as follows:

§ 1.307 Actions which may have a significant environmental effect, for which Environmental Assessments (EAs) must be prepared

* * * * *

TABLE 1: TRANSMITTERS, FACILITIES AND OPERATIONS SUBJECT TO ROUTINE ENVIRONMENTAL EVALUATION

* * * * *

* Note: "Covered" SMR providers includes geographic area SMR licensees in the 800 MHz and 900 MHz bands that offer real-time, two-way switched interconnected voice service that is interconnected with the public switched network using multiple base stations and an intelligent in-network switching facility that permits automatic, seamless interconnected call handoff among base stations, and Incumbent Wide Area SMR Licensees, as defined in § 20.3 of this chapter.

Rule Section 52.11 associated with the Number Portability Order, to be modified as follows:

52.11 Deployment of Long-Term Database Methods for Number Portability by CMRS Providers

* * * * *

(b) By December 31, 1998, all cellular, broadband PCS, and covered SMR providers (as defined in ~~Interconnection and Resale Obligations Pertaining to Commercial Mobile Radio Services, First Report and Order, CC Docket 94-54, FCC 96-263 (adopted June 12, 1996)~~ § 20.3 of this chapter) must have the capability to obtain routing information....